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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,847	07/03/2003	Byung Joon Lee	002013.P092	6902

7590 10/05/2007  
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EXAMINER

HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/612,847	Applicant(s) LEE ET AL.	
	Examiner Brendan Y. Higa	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14 and 17-29 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is in response to the application filed on July 03, 2003.

Claims 1-29 are pending.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The effective filing date for the subject matter defined in the pending claims in this application is December 11, 2002.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6, 14, 17, 19, 21, 23, 25, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 14 recite, "a first tag which is to indicate *the possibility* that a CLI tag appears in the XML document..." and "a fourth tag which indicates *the possibility* that the attributes specified by the second tag are omitted" (emphasis added). The limitation "the possibility" renders the claim indefinite. For example it is unclear whether the limitations following the phrase are required by the invention or not, the examiner recommends removing the phrase "the possibility" in order to remove any ambiguity in the claim.

Claims 17, 19, 21, 23, and 25 recites the limitation "setting variable I" in line 4 and "the third attribute" in line 7. There is insufficient antecedent basis for these limitations in the claim. For the purpose of examination the examiner has interpreted the claim to read "setting a variable I" and "a third attribute".

The use of the conditional phrase in claims 17, 19, 21, 23, 25, and 27 (i.e. if the prompt character string is transmitted..." and "if the network device requests an additional input..."), renders the claim indefinite because it is unclear whether the limitation(s) following the conditional statement (i.e. "...transmitting the CLI command to the network device" and "...transmitting a predetermined character string", respectively) are required in the alternative case where the condition is not satisfied. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to a computer readable medium, however, the specification provides evidence (see [0056], of applicant's

Art Unit: 2153

specification) that the computer readable medium is intended to include carrier waves, which are non-statutory subject matter under 35 U.S.C 101.

The examiner recommends limiting the computer readable medium as claimed to "computer readable storage medium", supported in applicant's specification in paragraph [0056], in order to overcome the 35 U.S.C. § 101 rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 4, 9, 11, 12, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Courtney (US 7065562).**

As per claim 1, Courtney teaches a network management system comprising: an extensible markup language (XML) template in which the form of a command line interface (CLI) command supported by a network device is expressed in XML (see col.

Art Unit: 2153

2, lines 45-56 and col. 6, lines 19-29); and a network management interface which converts the XML template into a tree-shaped internal data structure (see "configuration schema comprising a command hierarchy", col. 2, lines 45-56 and col. 6, lines 19-29), and by providing a predetermined argument to the converted XML template, converts the XML template into a set of CLI commands that are to be transmitted to the network device (Fig. 6, ref. 120) ("pushed out to the router", see col. 2, lines 45-56 and col. 6, lines 19-29).

As per claim 3, Courtney further teaches wherein the network management interface is an X-CLI interface (see "XML-CLI configuration interface", col. 5, lines 53-57).

As per claim 4, Courtney further teach wherein the network management interface and the network device are connected through a protocol which provides a virtual terminal function to the network device (see Fig.8, col. 5, lines 47-65, wherein the administrator is able to remotely access and send commands to the network device, router 120, read as a "virtual terminal function").

Claims 9, 11, 12, and 29 are rejected under the same rationale as claims 1, 3, and 4 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2153

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 2, 5, 6, 10, 13, 14 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Courtney (US 7065562) in view of Harvey et al. (US 7054924), hereafter referred to as Harvey.**

As per claim 2 Courtney further teaches wherein the network management interface comprises: an XML parser (see Converter, Fig. 6, ref. 245) which converts the XML template into the tree-shaped internal data structure (see col. 2, lines 45-56 and col. 6, lines 18-28); a materializer (see Converter, Fig. 6, ref. 245, wherein the converter is read as having both a parser element for parsing the XML commands and a materializer

Art Unit: 2153

for then generating the corresponding CLI commands) which provides a predetermined argument to the converted XML template and converts the XML template into the set of CLI commands (see col. 2, lines 45-56 and col. 6, lines 18-28); a connection manager which transmits the converted CLI commands to the network device (Fig. 6, ref. 120) (see col. 2, lines 45-56);

However, Courtney does not expressly teach a result processor, which determines whether the transmitted CLI commands are successfully executed and collects additional information.

However, in the same art of network device configuring Harvey, teaches a system for automatically configuring and transmitting configuration commands to a network device using device-specific XML configuration templates, which may comprise a set of one or more CLI commands (see abstract, col. 2, lines 66-col. 3, lines 20, and col. 6, lines 21-32). Furthermore, Harvey teaches in response to transmitting the configuration commands to the network device the network device may then generate one or more events upon a successful configuration which is monitored by a network management workstation (see col. 5, lines 20-35 and col. 7, lines 58-65).

One of skill in the art would have been motivated to modify the teachings of Courtney with the teachings of Harvey, for including a result processor, in order to provide a network administrator with feedback as to the status of configuration commands at the network device.



Art Unit: 2153

As per claim 5, Courtney does not expressly teach wherein the XML template is described by using document type declaration (DTD), which is used to show the list of tags forming an XML document and to list the attributes of respective tags.

However, in the same art as noted above, Harvey teaches a system for configuring a remote network device using a XML template conforming to an Extensible Markup Language Document Type Definition (XML DTD), comprising one or more XML tags that delimit the configuration information (see col. 2, lines 60-65).

One of skill in the art would have been motivated to modify the teachings of Courtney with the teachings of Harvey, for including a XML DTD file, in order to define the grammar with which the XML configuration information must conform (see Harvey, col. 8, lines 51-53).

As per claim 6, Courtney in view of Harvey further teaches wherein the XML template (see Courtney, "XML configuration command schema", col. 2, lines 33-55 and Harvey, "XML template", col. 8, lines 30-47), comprises: a first tag (Harvey, "XML tags", see Table 14, col. 22) which is to include the possibility that a CLI tag appears in the XML document (Harvey, see col. 8, lines 38-47) and the CLI tag includes subordinate CLI tags or character string data (Harvey, see "CLI strings" col. 20, lines 40-44) a second tag (Harvey, "XML tags", see Table 14, col. 22) which is to specify the attributes of the CLI tag (Harvey, see col. 8, lines 38-47 and "parameters", col. col. 20, lines 40-44); a third tag (Harvey, "XML tags", see Table 14) which indicates that the attributes specified by the second tag have character string data (Harvey, see col. 8, lines 38-47 and

Art Unit: 2153

"attribute name", col. 20, lines 40-44); and a fourth tag (Harvey, "XML tags", see Table 14) which indicates the possibility that the attributes specified by the second tag are omitted (Harvey, see Table 14, col. 22).

Claims 10, 13, and 14 are rejected under the same rationale as claims 2, 5, and 6 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

As per claim 17, Courtney in view of Harvey further teaches setting a variable value indicating a failure of the execution of the CLI command to false (Harvey, "if successful (i.e. value indicating a failure is false), the device applies a incremental configuration col. 10, lines 46-54) and setting variable i to the address value of a first materialized CLI command (i.e a incremental configuration instruction), while the variable l indicates an effective command (Harvey, "if successful", see col. 10, lines 46-54), waiting till a predetermined prompt character string which is specified as a third attribute value is transmitted from the network device (Harvey, "generate an event on success of the configuration", see col. 10, lines 46-54); if the prompt character string is transmitted (Harvey, after the initial configuration step, see col. 10, lines 46-54), transmitting the CLI command to the network device (Harvey, see "push mode", col. 10, lines 27-35); and if the network device requires an additional input, transmitting a predetermined character

Art Unit: 2153

string (Courtney in view of Harvey, does not indicate that the network device requires any additional input thus a predetermined character string is not sent).

As per claim 18, Courtney in view of Harvey further teaches when an error occurs as the result of the execution of the CLI command, setting the variable value indicating a failure of the execution of the CLI command to 'true' (see Harvey, col. 7, lines 58-col. 8, line 5) and by considering the state of variable value indicating a failure of the execution of the CLI command and the branch location for a failure of the execution of the CLI command, storing in the variable I the next address value of a CLI command to be executed (see "resolution of the program either manually or programmatically", see col. 7, lines 58-col. 8, line 5)

Claims 19-28 are rejected under the same rationale as claims 17 and 18 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

***Allowable Subject Matter***

Claims 7, 8, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2153

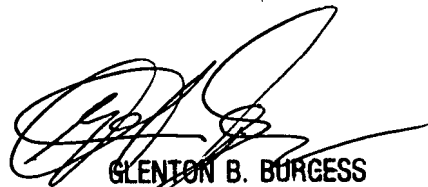
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH



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